

God's children. And because I have confidence in people of faith and know they wouldn't do that, I know they won't be hurt by this bill. And, by the way, I say that as the only Democrat on the committee who voted against gay marriage.

This bill ought to be passed, and I ask my colleagues to do so.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I appreciate the gentleman's comments about faith and God. And I am a woman of God. I oppose hate, and I think all crimes are awful. And I have a great disdain for violence produced by hate.

But this bill is the wrong solution for an ideal goal. It is horrible for anyone to hate for any class, race or religion or sexual orientation. Violence produced by hate is already outlawed. Why would we, as a Nation, want to divide our American citizens into various categories of more worthy or less worthy of whatever protection the law can give them? What happened to the great ideal this Nation was founded on of equal, equal protection under law?

The hate crimes bill will chill the first amendment rights of religious groups. This hate crimes bill will chill the first amendment rights of the religious groups, and the government will be required to prove the suspect's thoughts as a category of the victim involved in the crime.

Religious groups may become the subject of criminal investigations in order to determine the suspect's religious beliefs, membership in religious organization, or past statements about persons associated with specific categories. Religious leaders will be chilled from expressing their religious views for fear of involvement in the criminal justice system.

This hate crime bill will result in unequal justice for all and the restriction of one of our ideals that has made this Nation great, free speech.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the most distinguished civil rights leader that we have serving in the House of Representatives, the gentleman from Georgia, Mr. JOHN LEWIS. And I yield to him 1 minute.

Mr. LEWIS of Georgia. Mr. Speaker, hate is too heavy a burden to bear. We have the opportunity, with this bill, to move this Nation one step forward toward laying down the burden, the burden of hate. With this legislation, we can send the strongest possible message that violence against our fellow citizens because of race, color, national origin, religion, sexual orientation or transgender will not be tolerated.

It was the Great Teacher who said, "As much as you have done it unto the least of these, you have done it unto me."

During the 1950s and the 1960s, as a participant in the Civil Rights Movement, I tasted the bitter fruits of hate, and I didn't like it. I saw some of my

friends beaten, shot and killed because of hate. Hate is too heavy a burden to bear. It also was the Great Teacher who said, "Love you one another." He didn't say hate you one another.

We're one people. We're one family. We all live in the same house. It doesn't matter whether we're gay or straight. We're one people.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield to the distinguished gentleman from South Carolina (Mr. CLYBURN) for 1 minute.

(Mr. CLYBURN asked and was given permission to revise and extend his remarks.)

Mr. CLYBURN. Last night, Mr. Speaker, I re-read Martin Luther King, Jr.'s "Letter from a Birmingham City Jail." In that letter, King dealt with the notion of timing. He said to us that time is never right; time is never wrong; that time actually is neutral, and it's only what we make it. We can use it constructively, or we can use it destructively.

King went on to say that it's always the right time to do that which is right.

Now, a lot of people on yesterday told me that this was the wrong time to bring this legislation. For a moment, I agreed. But reflecting on Dr. King's admonition that the time is always right to do right, I come before this body today to ask us to use the time that we have before us to do right by those people who may not be like us.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a serious issue, and people ought to recognize it's a serious issue.

There is something called hate crimes. And in the past, the Supreme Court has looked at issues to try and differentiate between mere speech and speech connected with conduct and how you articulate a law in a proper way that does not offend the first amendment, which allows terrible speech. One of the prices of our democracy and one of the prices of this society is to allow terrible speech, not to say you accept it, but to allow it.

And so the Supreme Court has carefully reviewed hate crime legislation. When I was attorney general of California, we issued an amicus brief before the Supreme Court to support one version of the hate crime legislation in one State that was similar to ours in California. We declined to do it in another State. And in that one in which we declined to do it, the Supreme Court found that it was a foul of the law.

That's why I think it's very, very important how we carefully construct a hate crimes bill. The underlying premise of this bill is that we should extend the already existing Federal hate crimes legislation, which has a

Federal nexus, based on the individual victim or victims being involved in a protected Federal activity.

This bill goes beyond that and suggests that the constitutional nexus with Federal activity is that hate directed against the particular protected classes here somehow restricts interstate commerce. And I would just suggest that the findings in the bill did not have evidence to back it up. And I think there may very well be a constitutional attack that is successful in the Court on that. That's why we are concerned about the way this is written.

Second, there are those who suggest that we will not have the concern become a reality expressed by some on this floor and by some outside this floor that this somehow will chill free speech. The suggestion is we've carefully crafted the legislation so that's not to be the case.

I would just direct our attention to another section of the bill which calls for participation by the Federal Government in the investigation and prosecution of crimes at the State level which delineates the definition of hate crimes in the first two paragraphs but, in the third paragraph says, or any other hate crime established by State law. So what we are doing is extending it beyond the carefully constructed definitions that we have in this bill, considering the constitutional questions and extended it far beyond that. That is another legitimate concern about this bill.

And so I would just say that I hope we don't get totally involved in the argument that there are no hate crimes and they, therefore, never should be involved in our criminal justice system, versus that they are the worst of all crimes, or they are so essentially different from others that those who are subjected to attacks because of a random attitude by the perpetrator, or for reasons outside the protected class, somehow don't have the sufficiency of interest or the sufficiency of importance to be included.

Hate crimes exist in our society. Hate crimes are to be condemned in our society. As I said before, that's why 45 States have done so, most of them successfully in negotiating the shows of constitutional concern that are created by the first amendment. And therefore, one might suggest that we need to review this in far greater detail than we've been allowed thus far.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds to respond to my dear friend from California (Mr. LUNGREN).

The purpose of this hate crime bill is to supplement State and local actions. It is not to take over.

Mr. Speaker, I now yield to the gentleman from Georgia, Mr. HANK JOHNSON, member of the Judiciary Committee, 1 minute.

Mr. JOHNSON of Georgia. Mr. Speaker, we've had Federal hate crime legislation on the books since 1968. It covered violent crimes targeted against